

HOUSE BILL NO. HB0029

Marihuana possession.

Sponsored by: Representative(s) Byrd

A BILL

for

1 AN ACT relating to marihuana possession; amending penalties
2 for marihuana possession as specified; and providing for an
3 effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 35-7-1031(c)(i)(intro), (A), by
8 creating a new subparagraph (G) and by creating new
9 paragraphs (vi) and (vii) is amended to read:

10

11 **35-7-1031. Unlawful manufacture or delivery;**
12 **counterfeit substance; unlawful possession.**

13

14 (c) It is unlawful for any person knowingly or
15 intentionally to possess a controlled substance unless the
16 substance was obtained directly from, or pursuant to a

1 valid prescription or order of a practitioner while acting
2 in the course of his professional practice, or except as
3 otherwise authorized by this act. With the exception of
4 dronabinol as listed in W.S. 35-7-1018(h), and
5 notwithstanding any other provision of this act, no
6 practitioner shall dispense or prescribe marihuana,
7 tetrahydrocannabinol, or synthetic equivalents of marihuana
8 or tetrahydrocannabinol and no prescription or
9 practitioner's order for marihuana, tetrahydrocannabinol,
10 or synthetic equivalents of marihuana or
11 tetrahydrocannabinol shall be valid. Any person who
12 violates this subsection:

13

14 (i) And has in his possession a controlled
15 substance in the amount set forth in this paragraph ~~is~~may
16 be guilty of a misdemeanor ~~punishable~~and may be punished
17 by imprisonment for not more than twelve (12) months, a
18 fine of not more than one thousand dollars (\$1,000.00), or
19 both. Any person convicted for a third or subsequent
20 offense under this paragraph, including convictions for
21 violations of similar laws related to possession of
22 controlled substances in other jurisdictions, shall be
23 imprisoned for a term not more than ~~five (5)~~three (3)

1 years, fined not more than ~~five thousand dollars~~
2 ~~(\$5,000.00)~~ three thousand dollars (\$3,000.00), or both.

3 For purposes of this paragraph, the amounts of a controlled
4 substance are as follows:

5
6 (A) Except as provided in subparagraph (G)
7 of this paragraph, for a controlled substance in plant
8 form, no more than three (3) ounces;

9
10 (G) For marihuana, no more than three (3)
11 ounces but greater than one (1) ounce.

12
13 (vi) And has in his possession marihuana for a
14 first or second offense:

15
16 (A) In an amount no more than one (1) ounce
17 but greater than one-half (1/2) ounce shall be subject to a
18 civil penalty of one hundred dollars (\$100.00); or

19
20 (B) In an amount no more than one-half
21 (1/2) ounce shall be subject to a civil penalty of fifty
22 dollars (\$50.00) for a first or second offense.

23

1 (vii) And has in his possession marihuana for a
2 third or subsequent offense in an amount no more than one
3 (1) ounce shall be subject to the following:

4

5 (A) Mandatory counseling;

6

7 (B) A fine of not less than five hundred
8 dollars (\$500.00) but not more than one thousand dollars
9 (\$1,000.00);

10

11 (C) Imprisonment for not more than thirty
12 (30) days;

13

14 (D) Probation for a term not to exceed one
15 (1) year. Probation under this subparagraph may be in
16 addition to or in lieu of a fine or imprisonment under this
17 paragraph.

18

19 **Section 2.** This act is effective July 1, 2015.

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21

(END)